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| 10/564,192                    | 07/07/2006  | Fredrick Michael Vernon | 12123-0007            | 7521             |
| 22902                         | 7590        | 05/11/2010              | EXAMINER              |                  |
| CLARK & BRODY                 |             |                         | GRAHAM, CHANTEL LORAN |                  |
| 1700 Diagonal Road, Suite 510 |             |                         |                       |                  |
| Alexandria, VA 22314          |             |                         | ART UNIT              | PAPER NUMBER     |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                          |  |
|------------------------------|------------------------|--------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>      |  |
|                              | 10/564,192             | VERNON, FREDRICK MICHAEL |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>          |  |
|                              | CHANTEL GRAHAM         | 1797                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 February 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-5,7,10,11 and 14-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-5,7,10,11 and 14-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.14***

A request for continued examination under 37 CFR 1.14, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.14, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.14. Applicants' submission filed on 2/4/2010 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 3-5, 7, 10-11 and 14-19 are rejected under 35 USC 103 (a) as being obvious over SIPPEL ET AL. (US PATENT 3795556), in view of VAN GILDER ET AL. (US PATENT 2771458) and as evidence by “COMMERCIAL KEROSENE” NOV 1998 and RAM ET AL (INTRINSIC VISCOSITY OF POLYMER SOLUTIONS) . Hereby referred to as SIPPEL, VAN GILDER, “COMMERCIAL KEROSENE” and RAM.

**Regarding claims 1, 4-5, 7 and 10-11:**

SIPPEL teaches the composition and method of a gelled (**thickening**) composition that comprises liquid hydrocarbon (**liquid hydrocarbons**) fuels such as JP-4 and JP-5 and mixtures thereof (**paraffin and kerosene**); and gelling agents such as polyisobutylene (**medium to high molecular weight polymer**) (**branched chain alkene**) (col. 2 lines 5-27; and EXAMPLES I-X; see also claim 1).

SIPPEL is silent to the properties relating to the claimed flashpoint of kerosene, or that the kerosene is low odor and the molecular weight of polyisobutylene; however these properties are inherently taught by “COMMERCIAL KEROSENE” and RAM. The reference establishes that the claimed properties of kerosene can have a flashpoint in the range of 37-65 degrees C (see pg 2 physical properties of “COMMERCIAL KEROSENE”) and can be a **low odor kerosene**, one skilled in the art could recognize that the properties are the same (i.e. flash point at 65 degrees C for low odor kerosene); and polyisobutylene can have a range of molecular weights of  $1.1 \times 10^6$  to  $6.6 \times 10^6$  (pg 60, paragraph EXPERIMENTAL of RAM).

The primary reference teaches a composition that contains the claimed components, with the exception of the claimed properties. The claimed specific properties of the kerosene having a flash point greater than or equal to 62 degree C and that the polymer has a molecular weight in the range of  $1.4 \times 10^6$  to  $2.0 \times 10^6$  are known in the art and are clearly shown by the secondary references and therefore the use thereof is well within the level of ordinary skill in the art because the primary reference implies that any JP-5, which is known to be kerosene, can be used and polyisobutylene is used as the gelling agent (col. 2 ln 10-20).

In other words, the use of any kerosene and polyisobutylene is obvious to the skilled artisan, as shown by the secondary references.

The examiner acknowledges that the secondary references are not related to the subject matter of the primary reference but the examiner has only used these references to establish that the claimed properties of kerosene can have a flashpoint in the range of 37-65 degrees C (see pg 2 physical properties of “COMMERCIAL KEROSENE”) and polyisobutylene can have a range of molecular weights of  $1.1 \times 10^6$  to  $6.6 \times 10^6$  (pg 60, paragraph EXPERIMENTAL of RAM); such properties are known in the art. In addition, “products of identical compound can not have mutually exclusive properties.” A compound and its properties are inseparable. Therefore, if the prior art teaches the identical compound, the properties applicant discloses and/or claims are necessarily present. See *In re Papesch*, 315 F.2d 381, 391, 137 USPQ 43, 51 (CCPA 1963) (“From the standpoint of patent law, a compound and all its properties are inseparable.”).

Again, “COMMERCIAL KEROSENE” and RAM are considered teaching references, not modifying references. See MPEP 2112.

**Regarding claims 3 and 15:**

SIPPEL does not explicitly teach that the kerosene has a concentration of 90 to <100% by weight and the polymer has a concentration of up to 5% by weight; however VAN GILDER does. VAN GILDER discloses solutions of rubbery polymers (**polymer in solid form**) of high molecular weight and to the production of these solutions which are homogenous and lump free; in which the polymer may be present in solution less than or more than 1% (col. 1 ln 15-25). VAN GILDER also discloses that the polymer may be dissolved in wax (**paraffin**) prior to being diluted in lubricating oils (**paraffin polyolefin**

**polymers)** (col. 2 ln 59-68). VAN GILDER discloses the use of any liquid hydrocarbon fuel can be used instead of lubricating oils (col. 3 ln 36-50), such as kerosene (col. 3 ln 42); and the use of any rubbery polymer such as polyisobutylene (col. 3 ln 47). The solutions produced are useful for many purposes such as adhesives, impregnating materials, dipping or spreading cements, binders when mixed with wood floor, cork, etc. They are also useful as waterproofing materials, coating compositions, and the like (**use as a barbecue lighting fuel**) (col. 3 ln 57-61). However, applicant is reminded that intended use has been continuously held not to be germane to determining the patentability of a composition claim (see MPEP 2111.02).

Although VAN GILDER does not specifically teach the concentration of the kerosene, this reference does in fact teach the concentration of polymer present in solution (see disclosure above) and it is the examiners position that the concentration of polymer being less than or greater than 1% would purport that the concentration of the kerosene would be less than 100% and burden is upon applicants to show evidence otherwise, thereby meeting the claimed limitations of claims 3 and 15. In view of this data, the examiner's position is that the ranges overlap or encompass the claimed ranges. "In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists. *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976).

Having the prior art references before the inventors at the time the invention was made it would have been obvious for a skilled artisan to modify the process and composition of SIPPEL by incorporating the process and composition of VAN GILDER by using kerosene as the dilute or liquid hydrocarbon of the polymer and paraffin blend if so desired, the motivation to do so as disclosed in VAN GILDER that it would be obvious to

make such modifications because any liquid hydrocarbon fuel and rubbery polymer may be used in composition if so desired. Although the property of barbecue lighting fuel is not disclosed in SIPPEL and VAN GILDER, these solutions generally impart more than one property or function to the composition as taught in VAN GILDER. It has been held that obviousness is not rebutted by merely recognizing additional advantages or latent properties present in the prior art composition. Further, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd.Pat. App. & Inter. 1985)

**Regarding claims 16-19:**

Modified SIPPEL teaches gelling agents such as polyisobutylene (**polyolefin polymer**) are used in the composition (**medium to high molecular weight polymer**) (**branched chain alkene**) (refer to rejection above).

***Response to Arguments***

Applicant's arguments filed 2/4/2010 have been fully considered but they are not persuasive.

Applicant argues:

Applicant traverses the rejection on a number of grounds. The principal reason is that the Examiner is drawing a conclusion of obviousness without the required reasoning to modify Sippel.

Examiner respectfully disagrees and maintains the rejection referenced above:

Regarding claims 1, 4-5, 7 and 10-11, “COMMERCIAL KEROSENE” and RAM are considered teaching reference, not a modifying reference. See MPEP 2112. Regarding claims 3 and 15-19, SIPPEL in view of VAN GILDER provided reasoning to modify SIPPEL as stated in the above rejection; having the prior art references before the inventors at the time the invention was

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made it would have been obvious for a skilled artisan to modify the process and composition of SIPPEL by incorporating the process and composition of VAN GILDER by using kerosene as the dilute or liquid hydrocarbon of the polymer and paraffin blend if so desired, the motivation to do so as disclosed in VAN GILDER that it would be obvious to make such modifications because any liquid hydrocarbon fuel and rubbery polymer may be used in composition if so desired. Although the property of barbecue lighting fuel is not disclosed in SIPPEL and VAN GILDER, these solutions generally impart more than one property or function to the composition as taught in VAN GILDER. It has been held that obviousness is not rebutted by merely recognizing additional advantages or latent properties present in the prior art composition. Further, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd.Pat. App. & Inter. 1985)

Applicant argues:

First, it is admitted that Sippel's kerosene is not the same as that claimed. The JP-4 or JP-5 is not the same as that claimed since these grades include not only aliphatic hydrocarbons but also aromatics and polycyclic.

Examiner respectfully disagrees for at least the reason set forth above. Additionally Applicants claim language "...liquid hydrocarbon comprises low odor kerosene having a flashpoint greater than or equal to 62 degrees C..." has been given its broadest interpretation to include the Kerosene components (JP-4 or JP-5) of SIPPEL. The transitional term "comprising," which is synonymous with "including," "containing," or "characterized by," is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. See, e.g., *>Mars Inc. v. H.J. Heinz Co.*, 377 F.3d 1369, 1376, 71 USPQ2d 1837, 1843 (Fed. Cir. 2004) ("like the term 'comprising,' the terms 'containing' and 'mixture' are open-ended.").< *Invitrogen Corp. v. Biocrest Mfg., L.P.*, 327 F.3d 1364, 1368, 66 USPQ2d 1631, 1634 (Fed. Cir. 2003) ("The transition 'comprising' in a method claim

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indicates that the claim is open-ended and allows for additional steps."); *Genentech, Inc. v. Chiron Corp.*, 112 F.3d 495, 501, 42 USPQ2d 1608, 1613 (Fed. Cir. 1997) ("Comprising" is a term of art used in claim language which means that the named elements are essential, but other elements may be added and still form a construct within the scope of the claim.); *Moleculon Research Corp. v. CBS, Inc.*, 793 F.2d 1261, 229 USPQ 805 (Fed. Cir. 1986); *In re Baxter*, 656 F.2d 679, 686, 210 USPQ 795, 803 (CCPA 1981); *Ex parte Davis*, 80 USPQ 448, 450 (Bd. App. 1948) ("comprising" leaves "the claim open for the inclusion of unspecified ingredients even in major amounts"). >In *Gillette Co. v. Energizer Holdings Inc.*, 405 F.3d 1367, 1371-73, 74 USPQ2d 1586, 1589-91 (Fed. Cir. 2005),

Applicant argues:

Second, the Examiner's reliance on Ram to show that the claimed kerosene is known is incorrect. The "technical kerosene" taught by Ram is entirely different from a low odor kerosene as claimed. The kerosene of Ram is similar to Sippel in that it includes not only aliphatic hydrocarbons but also aromatics and polycyclic. The kerosene used as part of the invention comprises mainly aliphatic hydrocarbons and the flashpoint limitation of a minimum of 62 °C is not taught or suggested in either Sippel or Ram.

In essence, the Examiner is taking the following positions:

- 1) kerosene are known that would have the claimed flashpoint;
- 2) polymers are known that would have the claimed molecular weight;
- 3) "the use of any kerosene and polyisobutylene is obvious to the skilled artisan", see top of page 4 of the Detailed Action; and
- 4) therefore, it would be obvious to use the known kerosene and polyisobutylene that match the claimed properties in place of the kerosene and paraffin of Sippel and such a modification produces the invention.

Examiner respectfully disagrees for at least the reason set forth above. Additionally,

SIPPEL discloses that polyisobutylene are used as gelling agents; RAM was only used as a teaching reference to show that polyisobutylene can have a range of molecular weights of  $1.1 \times 10^6$  to  $6.6 \times 10^6$ . As for the Applicant arguing "In essence, the Examiner is taking the following positions: 1) kerosene are known that would have the claimed flashpoint; 2) polymers are known that would have the claimed molecular weight; 3) "the use of any kerosene and polyisobutylene is obvious to the skilled artisan", see top of page 4 of the Detailed Action; and 4) therefore, it would be obvious to use the known kerosene and polyisobutylene that match the claimed properties in place of the

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kerosene and paraffin of Sippel and such a modification produces the invention” ; is not deemed persuasive. However the Examiner’s rationale to support a conclusion that the claims would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (2007). The office has clearly established a prima facie case of obviousness as outlined above (i.e. all the claimed components are taught by the references in the claimed processes) and now burden shifts to applicants to establish evidence otherwise or evidence of criticality and they have not shown that any additional methods would be expected to be of similar processes to the evidence of record. This burden is shifted to applicants once a prima facie case of obviousness has been established and as outlined above, in which one has been established. In view of the teachings as set forth above, it is the examiners position that the references reasonably teach or suggest the limitations of the rejected claims.

Applicant argues:

One error committed in this approach relates to item #3. The assertion that any kerosene and any polymer is available to modify Sippel is erroneous since it ignores that fact that the product of Sippel has an intended purpose, just as does the invention. In Sippel, the purpose is to provide an improved incendiary composition and method of preparation. In doing so, Sippel teaches that a particular liquid hydrocarbon, i.e., a specially-refined kerosene with a particular flashpoint, see col. 2, lines 23-25, is required to meet the aim of Sippel. Given Sippel's aim, it is error for the Examiner to conclude that any kerosene and polymer are candidates for substitution for Sippel's materials. The substitution must be taken in the context of Sippel itself.

Examiner respectfully disagrees for at least the reason set forth above. Additionally, SIPPEL was relied on to teach the composition and method of a gelled composition that comprises liquid hydrocarbon fuels such as JP-4 and JP-5 and mixtures thereof (**paraffin and kerosene**); and gelling agents such as polyisobutylene (see rejection above). “COMMERCIAL KEROSENE” was relied on as a teaching reference to establish that the claimed properties of kerosene can have a flashpoint

in the range of 37-65 degrees C (see rejection above). RAM was relied on as a teaching reference to establish that the claimed properties of polyisobutylene can have a range of molecular weights of  $1.1 \times 10^6$  to  $6.6 \times 10^6$ . Finally, if the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction.

*Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999)

See also *Rowe v. Dror*, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997) (“where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention, the preamble is not a claim limitation”); *Kropa v. Robie*, 187 F.2d at 152, 88 USPQ2d at 480-81 (preamble is not a limitation where claim is directed to a product and the preamble merely recites a property inherent in an old product defined by the remainder of the claim); *STX LLC. v. Brine*, 211 F.3d 588, 591, 54 USPQ2d 1347, 1350 (Fed. Cir. 2000) (holding that the preamble phrase “which provides improved playing and handling characteristics” in a claim drawn to a head for a lacrosse stick was not a claim limitation). Compare *Jansen v. Rexall Sundown, Inc.*, 342 F.3d 1329, 1333-34, 68 USPQ2d 1154, 1158 (Fed. Cir. 2003). As set forth above, regarding claim 14, intended use has been continuously held not to be germane to determining the patentability of a composition claim (see MPEP 2111.02). Therefore a composition for use as a barbecue lighting fuel of the claimed invention has been given its broadest interpretation to include SIPPEL in view of VAN GILDER and as evidence by RAM and “COMMERCIAL KEROSENE” teachings.

Applicant argues:

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Sippel is not teaching merely the thickening of kerosene using a particular polymer, if this were the case; it could be argued by the Examiner that the particular type of kerosene to be thickened could be any type. However, this is not the case here. Sippel is specifically targeted to improve incendiary compositions and teaches a particular kind of kerosene. Therefore, it is error for the Examiner to make the statement that it is obvious to use any kerosene in Sippel and this alone taints the rejection and requires its withdrawal.

Examiner respectfully disagrees for at least the reason set forth above. Additionally, SIPPEL discloses that the liquid hydrocarbon fuels and there mixtures can be JP-4 and JP-5 jet fuels (col. 2 ln 10-12); therefore when Examiner refers to “any kerosene” of those disclosed in SIPPEL, meaning it could be JP-4 or JP-5 jet fuel, both are kerosene based jet fuels; and it is known in the art that JP-5 has flashpoints greater than 60 degrees C. Now burden shifts to applicants to establish evidence otherwise or evidence of criticality.

Applicant argues:

Turning back to the invention, Applicant is not claiming a mixture of any type of kerosene or any type of polyisobutylene in combination. Rather, the type of kerosene and polymer are specifically defined in the context of the invention, which relates to domestic barbequing and safety in doing so. The particular kerosene and polymer of claims I and 7 are not found in Sippel or Ram. In fact, the invention and Sippel are entirely different as set forth in the response filed on June 18, 2009. That is, Sippel is for an entirely different purpose, namely a self igniting offensive weapon composition, whereas the present invention requires safe use with properties useful for a domestic barbeque environment.

Examiner respectfully disagrees for at least the reason set forth above. Again Applicant argues intended use and it is clearly the office position that intended use has been continuously held not to be germane to determining the patentability of a composition claim (see MPEP 2111.02).

Applicant argues on pg 8 para 4 – pg 11, “*...that the prior art does not teach that the claimed kerosene and claimed polymer are useful in the context of a firelighter fluid...*” Examiner respectfully disagrees for at least the reason set forth above. Again Applicant argues intended use and it is clearly the office position that intended use has been continuously held not to be germane to determining the patentability of a composition claim (see MPEP 2111.02). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon

which applicant relies (... *but is remarkably effective in providing a barbecue lighting fluid where the burn time is extended, thus rendering the fluid effective for lighting even hard, solid briquettes commonly used as barbecue fuel without the risk of needing to add further lighting fluid because the initial fluid has become expended. This is a clear technical advantage over previously-known barbecue fluid and it is strongly argued that the invention cannot be considered to be obvious from the prior art*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 11 81, 26 USPQ2d 1057 (Fed. Cir. 1993) A method of thickening liquid hydrocarbon fuel oils has been given its broadest reasonable definition and has been interpreted to include the process and composition that SIPPEL in view of VAN GILDER, and as evidence by RAM and “COMMERCIAL KEROSENE” teaches.

Applicant argues *“Again, why would one of skill in the art look to modify Sippel using the teachings of Van Gilder when they are in such totally different technical fields, the common factor coincidentally being only kerosene?”* Examiner respectfully disagrees for at least the reason set forth above. In addition to both references teaching kerosene they also disclose the use of polymers in the solid form, paraffin and polyisobutylene are all used in the method and composition of SIPPEL and VAN GILDER.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHANTEL GRAHAM whose telephone number is (571)270-5563. The examiner can normally be reached on M-Th 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Michael Marcheschi can be reached on 571-272-1374. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHANTEL GRAHAM/  
Examiner, Art Unit 1797

/Ellen M McAvoy/  
Primary Examiner, Art Unit 1797